

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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NATIONWIDE PROPERTY AND CASUALTY

CO. as subrogee of Lamom & Jonathan  
Mandelbaum,

**ORDER**

09-CV-1203 (ADS)(WDW)

Plaintiff,

-against-

RAISING CONSTRUCTION, LTD.,

Defendant.

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**APPEARANCES:**

**Bennett, Bricklin & Saltzburg LLC**

Attorneys for the Plaintiff

960 Harvest Drive, Building B, Suite 100

Blue Bell, PA 19422

By: William Emmanuel Sylanteng, III., Esq., Of Counsel

**NO APPEARANCES:**

Defendant Raising Construction, Ltd.

**SPATT, District Judge.**

On July 1, 2010, the Court referred this matter to United States Magistrate Judge William D. Wall for a report and recommendation as to the amount of damages, attorneys' fees, and costs to be awarded following the entry of a default judgment against the Defendant Raising Construction, Ltd. On January 20, 2011, Judge Wall issued a Report recommending that the Court award Nationwide Property and Casualty Co. ("the Plaintiff") \$175,399.01 in damages. To date, there have been no objections filed to the Report.

In reviewing a report and recommendation, a court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. §636(b)(1)(C). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court has reviewed Judge Wall’s Report and finds it be persuasive and without any legal or factual errors. There being no objection to Judge Wall’s Report, it is hereby

**ORDERED**, that Judge Wall’s Report and Recommendation is adopted in its entirety. The Court awards the Plaintiff \$175,399.01 in damages, and it is further

**ORDERED**, that the Clerk of the Court shall enter a judgment for the Plaintiff in the total amount of \$175,399.01, and it is further

**ORDERED**, that the Clerk of the Court is directed to close this case.

**SO ORDERED.**

Dated: Central Islip, New York  
March 29, 2011

/s/ Arthur D. Spatt

ARTHUR D. SPATT  
United States District Judge